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# Molina 20-Year Sentence Will Be Appealed, CIA's Role Denounced

THE SENTENCING of Francisco Molina, Cuban patriot, to 20 years imprisonment as the result of a prosecution filed by the Central Intelligence Agency, will be appealed to the New York State Appellate Court, the defense committee announced last week.

Molina was sentenced by General Sessions Judge Mitchell D. Schweitzer, who dismissed an appeal for a new trial. He also rejected the plea of Molina's attorney, *Abraham Newberger*, that he should have the sentence so that he could go to Europe.

After sentencing one of Molina's sons, Maria del Carmen, the judge told the press that her brother had been convicted only because he supported Castro and the Cuban revolution.

Molina had been charged with second degree murder in the slaying of Magdalena Urdaneta, a Venezuelan visitor, who was slain during an attack on Castro forces in a New York apartment last Sept. 21.

During the conviction the defense attorney, *Abraham Newberger*, charged that the 5-weeks' trial was "manufactured in the CIA" and carried out by "admitted perjurers and counter-revolutionary thugs." They also accused the

N.Y. Police Department with "illegal" activities during the case.

Humbert Triana, one of the Communist Party, it said the issue was captured later in Cuba during the invasion. His brother is now serving a 25-year prison term in Camaguey, Cuba, for cruelty and torture perpetrated while a police officer of the Batista dictatorship.

Triana was reported by the committee, to have implicated another witness. He said that Jesus Arizaga, who testified against Molina, had been released from a training camp in Guatemala by the CIA and flown to New York to testify.

The committee had charged also that another witness, Luis Rodriguez, was trained in military assault tactics in Miami.

When Rodriguez was asked whether he was trained in command tactics in Miami he refused to answer, asserting the 5th amendment.

During the trial the CIA urged the court and the district attorney not to permit any testimony to be given about the activities of the counter-revolutionary groups in the Miami area.

The trial jury which brought in the verdict consisted of men, none of Latin-American origin,

none a Negro and not one a factory or industrial worker. During the selection of the jury, the defense attorney unsuccessfully challenged the blue-ribbon panel on the grounds that there was deliberate and systematic exclusion of all who could be considered Molina's "peers."

Molina was arrested on October 12, 1960 and was denied the right to consult with his attorney prior to his arraignment at the Eastern Court. Although Molina did not speak sufficient English and his attorneys did not speak or understand Spanish adequately, it was 11 days before his attorney was permitted to be accompanied by an interpreter of the defendant's choice.

A preliminary hearing was not held. Instead, the prosecution sought and obtained an indictment by the grand jury. Prior to the trial, all efforts by the defense to inspect the grand jury minutes, the defendant's own statements made during the almost 24 hours of custody incommunicado by the police, the autopsy reports and the police reports were without avail.

The trial was set for March 7, 1961, during a period of heightened hysteria against the Cuban government and Fidel Castro.